



February 25, 2020

BY ECF & FEDEX

Honorable Joanna Seybert
United States District Judge
Eastern District of New York
Alfonse M. D'Amato Federal Building
100 Federal Plaza
Central Islip, New York 11722

Re: *Jackson v. Nassau County, et al.*, 18 CV 3007 (JS) (AKT)

Your Honor:

I represent plaintiff in the above-referenced matter. I write to respectfully supplement plaintiff's letter dated November 21, 2019 (DE #242), which, *inter alia*, sought leave of Court to file an amended complaint. As set forth herein, plaintiff respectfully encloses his proposed Second Amended Complaint for the Court's review.

If it should please the Court, as described in plaintiff's prior submissions to Your Honor (including his opposition to the motions to dismiss) and most recently to the assigned Honorable Magistrate Judge at DE #263, defendants failed to comply with the Court's instructions as articulated at the pre-motion conference held on January 16, 2019. As a result, plaintiff ultimately filed his First Amended Complaint (DE #162), which then became the subject of motion practice, with the benefit of only a small documentary record. Now, although the Freeport defendants remain noncompliant with their discovery obligations, plaintiff has managed to obtain approximately 8,000 pages of records from Nassau County and deposed the eyewitnesses to the murder whose suppressed statements led the Nassau County DA to move for vacatur.

After carefully analyzing this material, plaintiff drafted his proposed Second Amended Complaint, annexed hereto as Exhibit 1.¹ Last week, plaintiff circulated the proposed pleading to all defendants and sought their written consent pursuant to Fed.

¹ For the Court's convenience, a redline version of the document is annexed as Exhibit 2.

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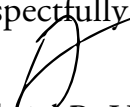
R. Civ. P. 15(a)(2). The Nassau County defendants have responded with objections, but the Freeport defendants have not provided their position as of this writing.

Plaintiff respectfully submits that his proposed amendment resolves most, if not all, of the arguments raised in defendants' motions to dismiss: it eliminates a number of individual defendants, clarifies the factual predicate for the asserted claims, identifies specifically which individuals (and entities) are sued under each claim and identifies the employer of each individual defendant. *See* Exhibit 1; Fed. R. Civ. P. 1, 15.

Given these circumstances, and with plaintiff's respectful apology for any inconvenience this may cause the Court, Mr. Jackson respectfully requests that plaintiff be granted leave to file his proposed amendment.

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel P. Harvis

Encl.

cc: Hon. A. Kathleen Tomlinson (by Fedex w/ encl.)
United States Magistrate Judge
All Counsel (by ECF)